

Attorney Docket No. TROP-001/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mariusz SZKUDLINSKI *et al.* Confirmation No.: 9091
Serial No.: 10/593,466 Group Art Unit: 1649
Filed: September 19, 2006 Examiner: Christina M. Borgeest
For: Follicle Stimulating Hormone Superagonists

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

AMENDMENT AND REPLY TO REQUIREMENT FOR RESTRICTION

Sir:

This Reply is responsive to the Office Action (Requirement for Election) dated January 12, 2009. A petition and fee for a three month extension of time is submitted herewith, thereby extending the period for response to May 12, 2009.

Applicant elects, Group I, corresponding to claims 1-82, 84-99, 102-115, 118-129, 132, 133 and 136-137 without traverse. Additionally, Applicant elects the Modified FSH α -subunit species of Q13R, E14R, P16R, and Q20R given in group 8. Claims 1-6, 15, 26-28, 40-46, 51-82, 84-93, 95-109, 111-115, 118-123, 125-127, 129, 132-133, and 136-137 encompass the elected species pursuant to this election of species. Lastly, Applicant elects the species of additional modification of FSH of substitution in the β -chain consisting of E4R of SEQ ID NO:2, given in group 1. Claims 1-52, 58, 67-82, 84-95, 97-99, 102-111, 113-115, 118-125, 127, 129, 132-133, 136-137 encompass the elected species pursuant to this election of species.

Taken together, claims 1-6, 11-12, 15, 26-28, 40-46, 52, 58, 67-82, 84-93, 95, 97-99, 102-109, 111, 113-115, 118-123, 125, 127, 129, 132-133 and 136-137 encompass the claims of group I, the species of group 8 (Q13R, E14R, P16R, and Q20R) and the additional species of group 1 (the additional modification of substitution in the β -chain consisting of ER4 of SEQ ID NO:2). Applicants respectfully request that the Examiner also search the other members of each group (1-7 and 9-15 of Modified FSH α -subunits, and 2-6 of additional modifications), as these additional members will be uncovered by a search for the genus of the elected claims and therefore will not present an additional burden to the Examiner. Applicants understand that, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. (MPEP § 809.02(a)).

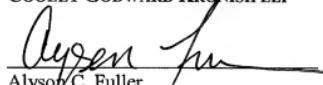
Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Date: May 12, 2009

CUSTOMER No.: 58249
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
777 6th Street, NW
Washington, DC 20001
Tel: (202) 842-7800
Fax: (202) 842-7899

By:

Respectfully submitted,
COOLEY GODWARD KRONISH LLP


Alyson C. Fuller
Reg. No. 61,844